



# TOWN OF SAUGERTIES

## ZONING BOARD OF APPEALS

4 High Street Saugerties, NY 12477

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### December 5, 2016

### Meeting Minutes

**Present:** Jeanne Goldberg, Samantha Dederick, Henry Rua, Donn Avallone, Alt. Patti Kelly

**Absent:** Joe Mayone, Town Board Liaison J. Bruno

**Also Present:** Alvah Weeks, Jr. Bldg. Inspector and Khattar Elmassalemah from Praetorious & Conrad representing Glasco Apts.

- ~ Pledge started by Henry, Jeanne asked Patti to join the meeting due to Joe's absence.
- ~ Meeting started at 7:02pm.

#### **NEW APPEAL:**

Glasco Apts. LLC  
224 Old Rt. 32  
Saugerties, NY 12477

SBL#: 29.46-6-20.100

File#: 16-0003

- Project located at 38 Glasco Tpke. in the Hamlet of Glasco and is zoned Residential Hamlet (RH).
- Appeal started at 7:02pm.
- Khattar present and showed new map stating that the road to the right of the building was given back to the owners and the triangular piece was given to the Town for school bus purposes. He stated that the driveway has no bearing on the project because they are not touching it. He also did research on turnpikes. Some can be 50' and others 66' back. This one (Glasco Tpke.) is 50'
- Henry asked if Khattar spoke with Kim at the State Hwy Dept., yes he did
- Is the double entrance being touched, no.
- Khattar also stated that the true acreage of this parcel is .26acres.
- The owners do not plan to increase the footprint of the building. They just want to increase the parking not increase the traffic.
- When was it last a deli, over 6 years ago.
- The owners really want to keep the property and by doing this project they will be able to keep it.
- Sam asked if the building is currently 4 bedrooms, yes. So how many cars are there now for the tenants. Khattar could not answer that.
- Henry was pleased that all his questions to Khattar from November's meeting have been answered.
- Khattar mentioned that the building is currently 3000sqft. and staying that size, outside will not be altered or changed, and that he does not have building plans for the layout of the proposed apartments because the owners did not want to incur the cost of having the plans drawn up if they could not move forward.

## **NEW APPEAL CONT'D:**

- Khattar said that the correct variance needed is 14,674.4sqft.
- Board asked would it help the owners if they did a large two bedroom apt., no that would be a huge apt. at 1500sqft.
- Jeanne mentioned that the Board is bound to give the smallest variance possible and to not set precedence. Khattar understands he would just like to move forward.
- Jeanne asked for a motion to set the Public Hearing. Sam made the motion to set the Public Hearing for January 9, 2017 2<sup>nd</sup> by Henry. Vote was taken 5-0. Public Hearing set for 1/9/17 at 7pm. Khattar was given all the paperwork for the next meeting.
- Appeal ended at 7:24pm.

## **DISUCSSION ON INTERPRETATION:**

Ashley Homes LLC  
3736 Rt. 32  
Saugerties, NY 12477

SBL#: 8.2-5-33.100

File #: 16-0002

- Jeanne asked for a motion on interpretation. Sam made the motion to uphold the decision made by the Code Enforcement Officer Alvah Weeks, 2<sup>nd</sup> by Donn. Discussion was held.
- Vague information was given by representative and gave nothing to support what he needed.
- Simply put the Zoning Law prohibits moving signs.
- The lighting of it was never the issue, just the motion.
- There was no precedence set with gas stations on their changeable signs because they are exempt in the Zoning Law and they only change one time a day and the applicants would have changed multiple times a day.
- The Zoning Board of Appeals has no authority to change the Zoning Law.
- The Zoning Board suggested to the applicants to go in front the Town Board and seek assistance from them to possibly change the Sign Law in the Zoning Law or modify it to help them meet the codes for the existing Sign Laws.
- Voice vote was taken 5-0; the interpretation by the Code Enforcement Office has been upheld.

## **DISCUSSIONS:**

1. Motion made by Jeanne and 2<sup>nd</sup> by Henry to approve the Nov. 7 2016 meeting minutes as written. Vote taken 4-0.
2. All received their Planning Board minutes
3. SEQRA for Glasco Apts determined as TYPE II 617.5(c)(2). Motion made by Jeanne and 2<sup>nd</sup> by Donn. Vote taken 5-0.
4. Motion made to schedule Glasco Apts. Public Hearing for Jan. 9, 2017 by Samantha and 2<sup>nd</sup> by Henry. Vote taken 5-0.
5. Jeanne mentioned that NYPF will be holding online video courses. She said once she got more information she would let all know so everyone could fulfill their credits.

**DECISION:**

Ashley Homes LLC  
John & Joseph Hommel  
3736 Rt. 32  
Saugerties, NY 12477

Re: Interpretation for proposed LED motion sign  
Property located at 3736 Rt.32  
SBL#: 8.2-5-33.100  
File#: 16-0002

Dear Mr. Joseph Hommel & Mr. John Hommel,

At a meeting of the Zoning Board of Appeals held on Monday, December 5, 2016 the above appeal was considered and the following was determined:

The Zoning Board of Appeals reviewed and discussed all material submitted by Frank Marzullo from Sure Fire Sign Inc. who represented the applicants. The applicants proposed replacing their current free standing sign of 4' x 8' with an electronic 4' x 8' LED motion sign. Their proposal was denied by the Town of Saugerties Code Enforcement Officer Alvah Weeks, Jr. due to it being against the Town of Saugerties Zoning Law (Sign Laws).

The Zoning Board of Appeals by Motion made by Samantha and 2nd by Donn chose to uphold the decision made by the Code Enforcement Office Alvah Weeks, Jr. Upon discussion, Henry stated that Mr. Marzullo gave vague information on the project and only gave constitutional rights; he never explained or supported how it does not go against the Zoning Law. Samantha stated that our Town Zoning Law clearly prohibits what they intended to do and the job of the Zoning Board of Appeals is not to change the Zoning Law. Patti stated that the lighting of it was never the issue it was the motion of it. All members of the Board agreed that the applicants and their representative should go in front of the Town Board along with the Fire Companies and any other business that wishes to have signs of this nature and to plead to the Town Board to change the Zoning Law pertaining to signs.

A voice vote was taken:

Kelly – Yes, Rua – Yes, Avallone – Yes, Dederick – Yes, Goldberg – Yes

Therefore the motion is passed and the decision of the Code Enforcement Officer has been upheld. The sign cannot be changed.

~ Jeanne asked for a motion to adjourn the meeting. Henry made the motion which was 2<sup>nd</sup> by Samantha. Vote taken 5-0.

~ Meeting ended at 8pm.

Respectfully submitted,  
Kathleen Cappello, Sect.